



# **THE ATTORNEY GENERAL OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

June 11, 1976

The Honorable Joe H. Reynolds  
Attorney  
Spring Branch Independent School  
District  
16th Floor, 1100 Milam Building  
Houston, Texas 77002

Open Records Decision No. 132

Re: Information on  
employees, racial composi-  
tion of student body, and  
achievement test scores  
by grade and school.

Dear Mr. Reynolds:

The Spring Branch Independent School District has received a request for information including the name, sex, ethnicity, salary, title, and dates of employment of all employees and officers of the district. The request is also for all EEO-5 reports made by the district. The request also seeks records and reports reflecting the racial or ethnic composition of the student bodies of each school within the district. Finally, the request seeks achievement test scores by grade level on a school-by-school and district wide basis in certain tests given during a certain time.

You request our decision pursuant to section 7 of article 6252-17a, V.T.C.S., the Open Records Act, whether the information is excepted from disclosure by section 3(a)(3), which excepts information relating to litigation to which the political subdivision is, or may be, a party that the attorneys of the subdivision have determined should be withheld from public inspection.

You explain that the information is requested by a representative of the Houston Independent School District in connection with litigation concerning the creation of the proposed Westheimer Independent School District. You state that Spring Branch Independent School District is not a party to the suit and has refused to become a party.

Since Spring Branch is not a party to this litigation and does not intend to be, section 3(a)(3) is not applicable. This exception does not apply unless there is a reasonable anticipation of litigation related to a specific matter. Attorney General Opinion H-483 (1974). Such litigation must involve or be expected to involve the governmental body, as opposed to other parties. See Open Records Decision No. 7 (1973).

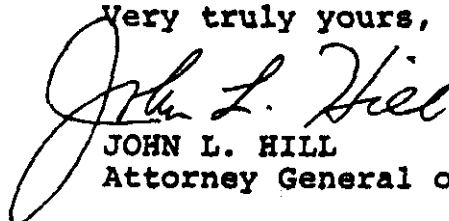
You contend that the information concerning the district's personnel is excepted by section 3(a)(2) of the Act. The information requested is specifically made public by section 6(a)(2), and is not "information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" so as to bring it within the section 3(a)(2) exception. Open Records Decision Nos. 71 (1975); 54, 41, 37, 20, 14 (1974). We have previously held that EEO-4 forms are public information, and we believe that that decision is applicable to EEO-5 forms. Open Records Decision No. 59 (1974). See Attorney General Opinion H-118 (1973); Open Records Decision No. 123 (1976).

Finally, you contend that the information concerning achievement test scores by grade and school are excepted from disclosure as student records by section 3(a)(14). This exception does not apply to information which is not personally identifiable to an individual student. We have held that none of the exceptions of the Act restrict disclosure of the licensing examination grades made by students of a specific school of the healing arts. Attorney General Opinion H-483 (1974). We have held that a list of teachers and the number of children in specific classes is public information. Open Records Decision No. 74 (1975). We have said that a "student record" would generally include information concerning the student himself and his individual relationship to the educational institution. Attorney General Opinion H-447 (1974). We note that this type of information, which does not identify individual students, is not restricted from disclosure by the federal Family Educational and Privacy Rights Act, 20 U.S.C. § 1232g (the Buckley Amendment).

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None of the information requested is excepted from disclosure by the sections you suggest and thus is public information and must be disclosed.

Very truly yours,



JOHN L. HILL  
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman  
Opinion Committee

jwb